

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board

Paper No. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MARCELLO TONCELLI

Appeal No. 2001-1942
Application No. 09/369,570

ORDER DISMISSING APPEAL

Before STONER, Chief Administrative Patent Judge, HARKCOM, Vice Chief Administrative Patent Judge, and PAWLIKOWSKI, Administrative Patent Judge.

Per Curiam.

On January 17, 2002, counsel for the appellant filed, among other documents, a Request for Continued Examination (RCE) under 37 CFR § 1.114. Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice," 65 Fed. Reg. 50092 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

Accordingly, the appeal in this application is dismissed.

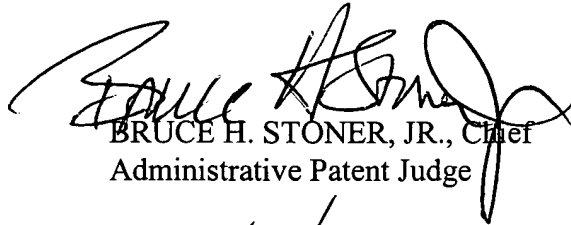
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The application is being returned to the examiner for further action as may be deemed appropriate.


BRUCE H. STONER, JR., Chief
Administrative Patent Judge


GARY V. HARKCOM, Vice Chief
Administrative Patent Judge


BEVERLY A. PAWLIKOWSKI
Administrative Patent Judge

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